

REMARKS

This amendment responds to the Office Action dated October 17, 2003, in which the Examiner allowed claims 1-10 and finally rejected claims 11-21, as allegedly anticipated by Aston, or on the alternative ground that they are rendered obvious by Aston in combination with several secondary references. Applicant thanks the Examiner for notifying her that claims 1-10 are allowed, but requests reconsideration of claims 11-21, in view of the foregoing amendments, and the following remarks.

The Examiner has rejected claims 11, 12 and 21 under 35 U.S.C. §102(b) as being anticipated by Aston. Claim 11 as amended, however, defines a filtration system which is neither anticipated nor rendered obvious by Aston, as Aston fails to disclose a filtration system having a UV light source or generating means to kill ambient bacteria and viruses. In the absence of this element of the claimed invention, the pending anticipation rejection should be withdrawn.

The Examiner has also rejected claim 13 under 35 U.S.C. §103, as obvious in view of Aston taken together with Diebert. The Examiner asserts that Aston discloses all of the limitations of claim 13, except for the UV light source. The Examiner asserts that Diebert discloses a filtration system that includes an active stage containing an agent to kill ambient bacteria and viruses and a UV light source effective to destroy bacteria and viruses. The Examiner asserts that it would have been obvious to provide a UV light source to Aston to provide additional mechanisms for destroying bacteria and viruses in an airflow.

Applicant respectfully requests reconsideration of the rejection. As the Examiner admits, the Aston reference fails to teach or suggest the claimed invention, for at least the reason that it contains no disclosure of an ultraviolet light source. Indeed, Aston appears directed to an air filter for a conventional house or building ventilation system, and not a filtration unit capable of use in a vacuum system or other filtration system. Nor does Aston teach or suggest a filtration unit including a second stage that removes odors and chemical hazards. There is simply no motivation to modify Aston provided either by Aston itself, nor from any other of the references of record. As such, applicant maintains that the pending obviousness rejection should be reconsidered and withdrawn.

Likewise, Diebert fails to provide any suggestion or motivation to combine its disclosure with Aston. Diebert relates to an air filtration unit for a high volume ventilation system. Diebert has several discrete segments, not a passive stage sandwiched between an active stage including an anti-microbial agents and a second passive stage for removing hazardous chemical agents. Only through the use of hindsight, provided by the present disclosure, can the Examiner assert that the combination of Diebert and Aston should be made and the resultant combination would have been obvious.

Likewise, the additional rejections of claims 14-20 based upon Aston, with additional secondary references including Diebert, Tribelski and Siefert, do not set forth a *prima facie* case of obviousness. Aston does not disclose or suggest a filtration unit containing either the structure or the operational advantages of the claimed invention. Onto this fatally flawed framework, the Examiner attaches secondary references that allegedly disclose additional features recited in the

Applicant: Sheree H. Wen
Serial No.: 10/044,381
Page 9

dependent claims. Neither the primary nor secondary references provide any motivation to modify Aston, either to advance it to the level of the claimed invention, or to add any of the additional elements recited in the secondary references.

As such, it is evident that the Examiner is indulging in hindsight, and is using the present application to select references in order to cobble together the recited elements into a facsimile of the claimed invention. Absent the hindsight provided by the inventor, however, a person of ordinary skill would be without a basis to fit together these puzzle pieces. Hindsight, of course, cannot be used. Thus, applicant submits that the rejections of claims 13-20 should be reconsidered and withdrawn.

The Commissioner is hereby authorized to charge any fee required in connection with the filing of this Amendment to Deposit Account 03-3125.

Respectfully submitted,



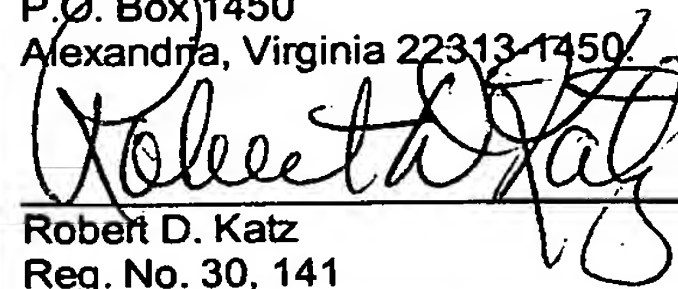
Robert D. Katz
Reg. No. 30,141
c/o Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

Attorney for Applicant

Dated: March 23, 2004

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents,
P.O. Box 1450
Alexandria, Virginia 22313-1450



3/23/04
Robert D. Katz
Reg. No. 30, 141

Date